

ORDINANCE NO. 50-369

AN ORDINANCE AMENDING SECTION III-C.8.B. OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (SEPTEMBER 25, 2009 EDITION), AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.04.010 BY ORDINANCE NO. 48-451 PERTAINING TO THE REGULATION OF WIRELESS COMMUNICATION FACILITIES IN THE D-O DELANO NEIGHBORHOOD OVERLAY DISTRICT.

WHEREAS, under the authority of K.S.A. 12-741, *et seq.*, the City of Wichita desires to adopt amendments to the Wichita-Sedgwick County Unified Zoning Code pertaining to the regulation of wireless communication facilities in the D-O Delano Neighborhood Overlay District; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission made a recommendation regarding the amendments on September 29, 2016, after notice and hearing as provided by law under the authority granted by K.S.A. 12-741, *et seq.*;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA:

SECTION 1. Section III-C.8.b. of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to read as follows:

b. Use Regulations. The Use regulations of this Overlay District shall control over the Underlying zoning District.

(1) Prohibited Uses. Subject to Section III-C.8.c(1)(b), the following Uses are explicitly prohibited in the D-O District, regardless if said Uses are stated as permitted or Conditional Uses in the Underlying Districts:

Asphalt or Concrete Plant, Limited and General
Businesses of an adult entertainment nature requiring a license under the Code of the City of Wichita, Chapters 3.05, 3.07, 3.56 and 3.74
Correctional Facility
Correctional Placement Residence, Limited and General
Gas and Fuel, Storage and Sales
Manufactured Home Subdivision
Manufactured Home Park
Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Sign (off-site)
Solid Waste Incinerator Vehicle
Storage Yard
Wrecking/Salvage Yard

(2) Conditional Uses. Subject to Section III-C.8.c(1)(b), the following Uses shall be allowed only as a Conditional Use in the D-O District, regardless if said Uses are stated as permitted Uses in the Underlying Districts:

Car Wash
Convenience Store

Freight Terminal
Manufacturing, General and Limited
Parking Area, Commercial
Restaurant (drive-in/drive-through)
Service Station
Storage, Outdoor
Utility, Major
Vehicle and Equipment Sales (indoor)
Vehicle and Equipment Sales, Outdoor
Vehicle Repair, General
Vehicle Repair, Limited
Warehouse, Self-service Storage
Warehousing
Wholesale or Business Services
Wireless Communication Facility, subject to Sec. III-D.6.g.

SECTION 2. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date **December 13, 2016.**

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law